

Members

Rep. Vernon Smith, Chair
Rep. Ralph Ayres
Rep. Duane Cheney
Rep. Ralph Foley
Sen. William Alexa
Sen. Anita Bowser
Sen. David Ford
Sen. John Waterman



CORRECTIONS MATTERS EVALUATION COMMITTEE

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MEETING MINUTES¹

Meeting Date: October 19, 2000
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 401 B
Meeting City: Indianapolis, Indiana
Meeting Number: 5

Members Present: Rep. Vernon Smith, Chair; Rep. Ralph Ayres; Rep. Ralph Foley; Sen. David Ford; Sen. John Waterman; Sen. Anita Bowser; Sen. William Alexa.

Members Absent: Rep. Duane Cheney.

Rep. Smith convened the meeting at 10:20 am

Committee members reviewed and approved minutes of the October 12th meeting.

Representative Smith recognized Mark Goodpaster who distributed a memorandum with updated information on resignation rates at DOC facilities. This memo is included in Attachment A. Robert Bugher, staff counsel for the Department of Correction, told the Committee that DOC will try to implement an exit interview of employees who resign from DOC facilities to better determine why correctional officers are resigning.

Prevalence of Hepatitis C among Offenders in DOC Facilities:

The first discussion item on the agenda was the prevalence of Hepatitis C among offenders in Indiana's correctional facilities. Representative Smith recognized Representative William Crawford to speak on the topic. Representative Crawford distributed an information packet concerning this issue which is included in Attachment B.

Representative Crawford told the Committee that 418 offenders in state correctional facilities

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

are currently diagnosed with Hepatitis C. He indicated that many of these offenders are not receiving medical treatment for this disease by the Department. He suggested that offenders are being denied treatment because of the high cost. He indicated that because many of the offenders will be released from correctional facilities in the near future that public health may be threatened if these offenders are not treated while in prison.

Dean Reiger, M.D., Director of Medical Services for the Department of Correction told the Committee that the incidence of Hepatitis C is a serious problem both in corrections facilities and in the outside community. He told the Committee that treatment for Hepatitis C is different than for treatment for HIV. He indicated that while HIV needs to be treated as soon as possible, the time between when signs of Hepatitis C occur and when treatment is no longer effective range between 15 and 20 years. He also indicated that offenders who have a scheduled length of stay greater than three years who test positive for the disease are generally eligible for treatment. Since many of the offenders who tested positive for Hepatitis C have sentence lengths of one year or less, Dr. Reiger indicated that these offenders are not good candidates for treatment. Dr. Reiger also indicated that to properly manage limited state dollars, it is possible that some portion of the offenders who are released will later have employment where they will be covered by private health insurance or will later be eligible for Medicaid. Consequently, it is possible that the state can delay medical treatment for these offenders to a later date.

The screening of offenders was also discussed. Dr. Reiger told the Committee that it is not standard practice to screen for Hepatitis C and consequently the Department does not screen. He told the Committee that the Department does screen for tuberculosis and certain types of venereal diseases. He indicated that while these diseases require limited treatment regimens, the treatment regimen for Hepatitis C lasts about 12 months. In addition, under current law offenders cannot be tested for HIV unless they consent. He also estimated the combined cost of testing for both HIV and Hepatitis C is \$300.

Rep. Crawford told the Committee that he has introduced legislation in the past that requires all offenders to be tested for HIV. He indicated that the bill was opposed by advocates representing HIV positive people. He indicated that he would introduce a similar bill again and include mandatory testing for Hepatitis C as well. He also indicated that if he is reelected and again appointed to the House Ways and Means Committee that he would try to find additional funding for the Department to address the treatment problem.

In Committee action, the members directed the LSA staff to contact the National Council of State Legislatures about policies in other states concerning the prevalence of Hepatitis C among offenders in state prisons and how these states are addressing these problems. The Committee also verbally approved the concept of mandatory testing of offenders for HIV and Hepatitis C.

Supermax Facilities and Their Effects on the Mental Health on Offenders

The next discussion topic was the use of Supermax facilities and their effects on the mental health of offenders.

Garth Meintjes, representing the Center for Civil and Human Rights, spoke to the Committee Members about the Center's concerns. A copy of his prepared statement is included in Attachment C. Mr. Meintjes told the Committee that the Department of Correction contracted with Robert Huckabee Ph.D., of Indiana State University to study the mental health effects of the use of supermax facilities in Indiana. His report, "An Inquiry Into The Allegation That Indiana's Supermax Facilities Breed Monsters", was an attempt to answer this concern. The full copy of the report is included in Attachment D. A critique of this report by the Human Rights

Watch is included in Attachment E.

Mr. Meintjes told the Committee that the report examined secondary sources and did no scientific investigation about the issue. In addition, the Center had requested that the Department examine the mental health effects of supermax and not whether the supermax facility produced the extreme characterization of "monsters" to which the title of Dr. Huckabee's report referred.

Mr. Meintjes told the Committee members that the Center is concerned about the long term effects on the offenders' mental health. He described the conditions of the facility as being very harsh and indicated that offenders have no contact with the outside world. He also indicated that the exercise space area was not adequate and offenders have little opportunity to go outside. He conceded that some offenders need to be in this facility but he indicated that the reasons why offenders are placed in the facility are not always clear. He indicated that some offenders are placed in the facilities because they violated facility rules. He also indicated that this can also be a public safety issue because some offenders have been directly released from the supermax facility. Finally Mr. Meintjes told the Committee that better evidence is needed about the effects of supermax and the burden of proof falls on the Department of Correction that imprisonment in supermax facilities does not harm the mental health of offenders.

Finally, Mr. Meintjes told the Committee that the Center's relationship with the Department depends on the legislature's oversight. He indicated that the Center wants the Committee to be aware of the Center's efforts to provide the necessary funding for a comprehensive study on the mental health effects of Supermax incarceration. Once funding is secured, the study group would need access to offender files and to the staff. He said that it is possible that research will show that the use of Supermax facilities has no harmful effects on offenders. However, the answer is currently not known because of the limited research in the area.

Robert Huckabee Ph.D., told the Committee members that when he prepared his report, he examined inmate files, disciplinary procedures, and interviewed some staff members. He agreed that no scientific evidence exists about the mental health effects of Supermax facilities. He warned that research in this area is difficult and costly to perform. In addition, mental health is difficult to measure as opposed to physical health.

Representative Smith told the Committee members that he will propose a resolution to encourage DOC to cooperate with the Center in such a study.

Religious Activities of Offenders:

Doris Woodruff, Director of Religious Services and Community Involvement, DOC, provided to the Committee members a description of the Religious Services Master Design Program. This description is included in Attachment F of these minutes.

Ms. Woodruff described the procedures used concerning the delivery of religious services, the need to be responsive to the faith needs of the offenders, and the need for uniformity and accountability for the chaplains and the volunteers. She also indicated that DOC has also evaluated some of these programs. In summary she told the Committee that DOC intends to have a well rounded inclusive program that allows for the offenders spiritual growth

Concerning offenders who have their own belief system, Ms. Woodruff told the Committee that offenders can read and receive literature and can practice their religion as long as they do not intrude on the safety and security of the facility. As an example, Ms. Woodruff indicated that offenders are permitted to follow Wicca as long as they do not threaten the security of the groups

Ms. Woodruff then described the problems with religious practices being a cover for other activities. She indicated that DOC monitors religious activities particularly when they are organized by the offenders themselves and have no outside connections. If prison staff notice that a religious group is growing for no reason, the prison staff looks to see if certain offenders are security threats.

Next, Representative Smith recognized Mr. Lon Henderson. Mr. Henderson distributed written testimony to the Committee, which is included in Attachment G. Mr. Henderson told the Committee that he has been involved with Christian ministries in DOC facilities for the past 38 years. He said that each year his group would sponsor a Christmas holiday party for the offenders and bring in members of the offenders' families for the party. He testified that he and his program have been denied participation at the Pendleton Reformatory in the past year because of security reasons.

Representative Smith indicated that he is confident that Ms. Woodruff can work out a compromise between Mr. Henderson, the chaplain, and the superintendent of the Pendleton Reformatory. He indicated that he hoped that they will resolve the differences themselves before the Committee convenes next summer.

There being no further business, the meeting was adjourned at 12:45 p.m.